

Report Date: January 28, 2015

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Eastern District of Washington

JAN 28 2015

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jose Ventura

Case Number: 0980 2:06CR06014-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: July 16, 2007

Original Offense: Transportation of a Minor with Intent to Engage in Criminal Sexual Activity, 18 U.S.C.
§ 2423(a)

Original Sentence: Prison 33 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: April 3, 2014

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: June 2, 2016

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition # 36:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, and credit cards.

Supporting Evidence: Mr. Ventura reported to the United States Probation Office on December 22, 2014. At that time he admitted to viewing pornography on his work tablet on December 6, 2014. Mr. Ventura claimed his viewing of the pornography lasted for only a few minutes because he was viewing the pornography on a tablet provided to him by his employer, and the blocking program which was installed was not working.

Mr. Ventura had a polygraph examination on January 20, 2015, with Randy Ruegsegger in Yakima. During the pre-polygraph interview, Mr. Ruegsegger reviewed with Mr. Ventura his viewing of pornography. Per Mr. Ruegsegger's report, Mr. Ventura admitted to viewing pornography on a number of occasions, that pornography has been a problem for him, and he views it in binges.

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Mr. Venture continued to explain his use of pornography frequently occurs for 1 or 2 days at a time, he stops and does not view pornography for a number of days, then restarts using pornography for several more days.

Mr. Ventura stated this cycle of viewing pornography occurs on the average about eight or nine times a month. A key factor in the viewing was he had a tablet from work that allowed him access to pornography any time he wanted. He was issued the tablet for work in order to log his driving records for auditing purposes. Mr. Ventura admitted he used work time to use the tablet to view pornography when he was sexually aroused at work, and after work on rare occasions. Mr. Ventura stated the last time he viewed pornography for masturbatory purposes was on or about December 14, 2014. This statement differs from what Mr. Ventura told his Probation Officer, as listed above.

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Special Condition # 40: You shall have no contact with any child under the age of 18, without the presence of an adult and approved in advance by the supervising officer. You shall immediately report any unauthorized contact with minor-aged children to the supervising officer.

Supporting Evidence: According to Mr. Ruegsegger's report, Mr. Ventura admitted to being in violation of this condition. He explained he was working in his company's shop and a 17-year-old male was working with him. Mr. Ventura did not provide a date of when this happened, nor did he disclose this incident to his probation officer.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/28/2015

s/Daniel M. Manning

Daniel M Manning
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

h M
Signature of Judicial Officer

1/28/15

Date